

## **REMARKS/ARGUMENTS**

### **Description of Amendments**

Applicant has amended claims 1, 8, 11-13, 16-18, and 35-41 and cancelled claims 30-33. No new matter has been added. As amended, claims 1-29 and 34-47 are now pending and under examination.

### **Rejection under 35 U.S.C. §102**

Claims 1-47 were rejected under 35 U.S.C. §102(e) as being anticipated by *Helper* (U.S. Patent 7,010,357). For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

As an initial matter, Applicant respectfully submits that the Office Action did not meet the requirements of the Manual of Patent Examining Procedure (MPEP). The MPEP requires that the Office Action properly communicate the basis for a rejection so that Applicant can be given fair opportunity to reply (MPEP 706.02(j)). The MPEP further requires that where a claim is refused for any reason relating to the merits thereof the ground of rejection should be fully and clearly stated (see MPEP 707.07(d)).

Although he carefully reviewed the Office Action, Applicant could not clearly identify the basis for the rejection. The Office Action included only a verbatim recitation of claim 1 and concluded that the claim is anticipated by *Helper*. However, it is not clear to Applicant what components of *Helper* the Examiner considered to correspond to the limitations of claim 1. Additionally, the Examiner did not provide any reasons why claims 2-11, which depend from claim 1, were rejected. The Examiner also did not provide any reasons why the following are anticipated by *Helper*: the method of claims 12-16, the system of claim 17, the probe of claims 18-29, the method of claims 30-32, the system of claim 33, the radiation tip of claims 34-41, the method of claims 42-46, and the system of claim 47.

Therefore, Applicant respectfully requests that the Office Action be withdrawn and a new Office Action be issued clearly stating the basis for the rejection.

Furthermore, *Helper* does not teach the limitations of claim 1. For example, claim 1 recites the limitation of "the first and second electromagnetic fields causing an interferential electromagnetic field pattern." *Helper* teaches an implantable device that is hardened against

Application No. 10/806,486  
Response dated January 4, 2007  
Reply to Office action of October 10, 2006

or is immune from the electromagnetic insult or interference of a magnetic-resonance imaging device. However, neither the implantable device nor the magnetic-resonance imaging device generates "an interferential electromagnetic field pattern." Accordingly, *Helper* does not anticipate claim 1.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 07-1850.

Respectfully submitted,

Date: January 4, 2007

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